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UNCLAS SECTION 01 OF 02 SANTO DOMINGO 001570

SIPDIS

SENSITIVE

STATE FOR WHA/CAR-MCISAAC, WHA/PPC-PUCETTI, G/TIP-OWEN
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SUBJECT: DOMINICAN CONGRESS AND SUPREME COURT PUNISH
CORRUPT OFFICIALS

REF: STATE 1293 (NOTAL)

1. (SBU) SUMMARY. The ongoing battle against corruption in the Dominican Republic saw two important victories as Congress stripped the Constitutional immunity of convicted alien smuggler Guillermo Radhames Ramos Garcia and the Supreme Court rid the judiciary of two discredited judges, one of whom is known to have been involved with narco-traffickers. These cases are evidence of a more serious approach to corruption in the Dominican Republic, with all three branches of government playing a role. The certainty that Ramos Garcia will serve his jail term sends an especially powerful message that corrupt officials will be prosecuted and punished. END SUMMARY.

RAMOS GARCIA STRIPPED OF IMMUNITY

2. (U) On March 16, the Dominican House of Representatives (Chamber of Deputies) voted to strip the immunity of convicted alien smuggler Guillermo Radhames Ramos Garcia, a Congressman since August 2002. Following Ramos Garcia's conviction (reftel), Attorney General Francisco Dominguez Brito ordered him taken straight to jail to serve his 18 month sentence, despite a Constitutional provision that prohibits the imprisonment of a sitting member of Congress without the permission of the house to which the member belongs. This order prompted a quick challenge from Ramos Garcia's lawyers.

3. (U) The vote to strip Ramos Garcia of immunity was overwhelming, supported by 100 of 102 members present. Following a delay of nearly two weeks due to an unrelated disagreement by the two major parties, the House action came just in the nick of time. While Congress was stripping Ramos Garcia's immunity, the Supreme Court was ordering his release, finding that only the House of Representatives had power to authorize his imprisonment. No sooner had the Supreme Court ordered the release than Dominguez Brito -- based on the Congressional vote -- announced that Ramos Garcia would be returned to prison.

4. (U) Although there was never any real doubt that Ramos Garcia's immunity would be taken away, some members of his political party (PRD) accused the Attorney General of having taken liberties with the Constitution in jailing him, and expressed concern about the administration's handling of other corruption investigations. Dominguez Brito for his part seized the opportunity to reiterate his commitment to fighting corruption, despite "serious obstacles."

5. (U) The revocation of Congressional immunity, combined with the guilty verdict from the Supreme Court, appears to leave Ramos Garcia with no further grounds for appeal. He will continue to receive his salary as a sitting legislator -- firing him would require an infeasible legislative impeachment process -- but he will be unable to participate in Congressional debates or votes or to run for re-election in 2006. An editorial in the national newspaper "El Caribe" spoke favorably about the decision to revoke immunity, acknowledging "it took longer than it should have," but commenting that it serves as a lesson that "nobody is beyond the reach of the law."

SUPREME COURT FIRES TWO JUDGES

6. (U) On the same day that Congress rid itself of one corrupt member, the judiciary did it one better by getting rid of two. The Supreme Court fired Judge Aniksa Serra de la Mota for abandoning her duties and Judge Juan Evangelista Rodriguez for a "grave deficiency in the exercise of his functions." It is not clear whether Rodriguez -- of the border province of Pedernales -- was dismissed because of corruption or sheer incompetence, but the Supreme Court found that he had "committed inexcusable errors."

7. (SBU) Serra was nominally fired for dereliction of duty; however, she was well known to be corrupt, and Embassy has

multiple-source reports that she accepted bribes from narco-traffickers. Embassy expressed its concerns about Serra to Dominican authorities when she repeatedly mishandled the Bancredito and Banco Mercantil bank fraud cases, resulting in long delays. In response to Embassy concerns and evidence of misconduct, in July 2004 she was transferred from Santo Domingo to Elias Pina (on the border with Haiti), the Dominican equivalent of Siberia. Serra never went to her new post and was fired for failing to accept her reassignment.

COMMENT

18. (U) In the Ramos Garcia case, all three branches of government did their parts to advance the cause of justice. The executive branch prosecuted the case, the Supreme Court found Ramos Garcia guilty, and the House of Representatives stripped him of immunity. The Supreme Court order to release Ramos Garcia on Constitutional grounds was correct; a reading of the Constitution supports Ramos Garcia's claim that his imprisonment had exceeded the Attorney General's authority. But the certainty that he will serve his jail term sends a powerful message that corrupt officials will be prosecuted and punished. The firing of the two judges is additional evidence that the Supreme Court, along with the rest of the government, is moving in the right direction in the fight against corruption.
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